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Letter dated 16 May 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to the members of the Council, through you, the press release and summary report of the Cape Town meeting on the continuation of the Inter-Congolese Dialogue (see annexes).

The said press release and summary report were issued by 13 Congolese political parties which were an integral part of the Inter-Congolese dialogue in Sun City.

The content of these two texts makes it possible to fully understand and appreciate the concerns of the Congolese, who really want the inter-Congolese political negotiations to succeed.

I should be grateful if you would have this letter and its annexes circulated as a document of the Security Council.

(*Signed*) Anastase **Gasana**
Ambassador
Permanent Representative

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Annex I to the letter dated 16 May 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Press release

At the invitation of the President of the Republic of South Africa, His Excellency Mr. Thabo Mbeki, representatives of the undersigned Congolese parties to the inter-Congolese political negotiations met on 9 and 10 May 2002 in Cape Town, South Africa, to propose concrete solutions for ending the lack of consensus regarding the new inclusive political order for the transition in the Democratic Republic of the Congo following the Sun City negotiations.

The Congolese parties formulated by consensus proposals regarding the following:

1. Immediate continuation of the Inter-Congolese Dialogue thanks to the mediation of Their Excellencies Presidents Thabo Mbeki and Levy Mwanawasa of South Africa and Zambia respectively and under the neutral facilitation of His Excellency Mr. Ketumile Masire, with a new team, if necessary;

2. Request for assistance from the Southern African Development Community (SADC), the African Union, the European Union, the United Nations and the international community to bring about the resumption of the dialogue;

3. Withdrawal of foreign troops and disarmament of armed groups in accordance with the Lusaka Agreement and the resolutions of the joint meeting of the Political Committee and the Security Council mission, held in Luanda on 1 and 2 May 2002;

4. Continuation of the dialogue on the basis of the synthesis of the amendments to the Mbeki II plan presented by the Facilitator at the plenary meeting on 19 April 2002, any other proposal to be added to this synthesis;

5. Continuation of the dialogue in a more reduced format, in accordance with the decision of the plenary meeting of 19 April 2002;

6. Maintenance of the Lusaka Agreement as the political and legal framework for the continuation of the dialogue;

7. Agreement by South Africa to again offer its hospitality for the continuation of the dialogue.

The Congolese parties, on behalf of the Congolese people, thanked the people of South Africa, through their President, for all the efforts that have been made and that continue to be made to bring peace, democracy and the rule of law to the Democratic Republic of the Congo.

Done in Cape Town, South Africa, on 10 May 2002.

The signatories:

Collectif des Partis de Constance (COPACO)
Prof. Christophe Tshimanga

Collectif Progressiste Radical et Alliés (CPRAL)
Mr. Alphonse Lupumba

Forces Novatrices pour l'Union et la Solidarité (FONUS)
Mr. Joseph Olenghankoy

Groupe des 14 de Sun City
Mr. Nyembo ya Lumbu (Alliance Nationale pour la République (ANR))

Groupe des 20 de Sun City (G20)
Dr. Kabamba Mbwebwe (Front Patriotique)

Groupe Non-Parlementaire de l'Opposition (GNPO)
Mr. Dénis Katalay

Mouvement Lumumbiste Progressiste (MLP)
Mr. Franck Diongo

Mouvement National Congolais/Lumumba (MNC/L)
Mr. François Lumumba Tolenga

Rassemblement pour une Nouvelle Société (RNS)/Conseil de l'Opposition Externe de l'Amérique du Nord (COCEAN)
Dr. Alafuele M. Kalala

Solidarité pour le Développement Progressiste (SODEPRO)/Regroupement des Partis Politiques Progressistes (RPPP)
Mr. Bembe Majimo Bathy

Parti Lumumbiste Unifié (PALU)
Prof. Godefroid Mayobo

Union de l'Opposition Démocratique du Congo (UODC)
Mr. Binda Phumu (Union socialiste pour le développement intégral (USDI) party)

Union pour la Démocratie et le Progrès Social (UDPS)
Dr. Etienne Tshisekedi-wa-Mulumba

Rassemblement Congolais pour la Démocratie (RCD)
Mr. Azerias Ruberwa

Annex II to the letter dated 16 May 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the Security Council

Summary report of the Cape Town meeting on the continuation of the Inter-Congolese Dialogue

The Congolese parties who came to Cape Town at the invitation of the South African President, His Excellency Mr. Thabo Mbeki, met on Thursday, 9 May and Friday, 10 May 2002 in the building of the South African Parliament.

Originally scheduled for the parties to the inter-Congolese negotiations, the meeting was held with RCD and the political opposition who responded to the invitation. In this connection, Mr. Mbeki mentioned two letters that had been sent to him by the Government and MLC. These letters maintained that the Inter-Congolese Dialogue had ended and that the Congolese should commit themselves to an agreement which they had signed among themselves. As far as the Government and MLC are concerned, the negotiations must carry on in a different setting.

After a brief discussion and a thorough investigation into ways of solving the lack of consensus regarding the organization of the transition in the Democratic Republic of the Congo, Mr. Mbeki left the Congolese to debate freely among themselves before putting forward concrete proposals.

Based on these criteria, a consensus emerged in favour of Mr. Etienne Tshisekedi, the most senior member, as the Moderator, and of Dr. Kabamba Mbwebwe and Mr. Thomas Otshudi Wongodi and Mr. Thomas Nziratimana respectively as the Rapporteur General and Assistant Rapporteurs.

The agenda adopted by consensus comprised the following items:

- Exchange of information;
- Inter-Congolese Dialogue:
  - Objectives and principles;
  - Government — MLC agreement: remarks and observations;
  - Proposals with respect to the continuation of the Inter-Congolese Dialogue.

I. Exchange of information

The exchange of information led to the identification of the following aspects that have come to the forefront of the national political scene after the work accomplished during the Inter-Congolese Dialogue in Sun City:

- The campaign demonizing RCD and all the political organizations and groupings that did not sign the agreement between the Government and MLC;
- The explanatory campaign organized by RCD and the political organizations and groupings that did not sign the above-mentioned agreement is beginning to bear fruit;

- The entire Congolese population is concerned at the return of "Mobutisme" to the national political scene;
- The Government and MLC are determined to carry out their agreement by imposing it upon everyone;
- The position of the international community, although initially reserved, has shifted towards a demand for a global, consensus agreement;
- The reading of the above-mentioned agreement differs according to whether it is interpreted by the Government or MLC, something that is serious cause for concern;
- The marked increase in discord among the Congolese people;
- The risks of repression of political parties increasing poverty, never-ending destruction, reopening of hostilities and partition of the country;
- RCD undertakes to put an end to the war as soon as a global, consensus agreement is concluded on the new political order, in accordance with the Lusaka Agreement.

II. Inter-Congolese Dialogue

II.I. Objectives and principles

a) Objectives

The objectives of the Inter-Congolese Dialogue are defined in the Lusaka Agreement, as follows:

1. National reconciliation;

2. Formation of a new national army;

3. Restoration of the administrative authority of the State over the entire national territory (unity and territorial integrity);

4. Establishment of a new political order;

5. Drafting of the transition Constitution and the draft Constitution of the Third Republic;

6. Ending of the war, in that the Lusaka Agreement is only a ceasefire agreement;

7. Organization of free, democratic and transparent elections at the end of the transition period.

b) Principles

The following principles are applicable:

1. The Inter-Congolese Dialogue is governed by the Lusaka Agreement taken as a whole;

2. The Lusaka Agreement is national and international in nature;

3. Inclusiveness, consensus, equality of the components and existence of a neutral Facilitator are non-negotiable principles.

In terms of all these objectives and principles, the Sun City negotiation phase has not been conclusive. As the Inter-Congolese Dialogue has not yet attained its objectives in terms of the Lusaka Agreement, it is not over. This point of view is further supported by the Facilitator's report released in Luanda on the occasion of the joint meeting of the Political Committee and the Security Council mission on 1 and 2 May 2002.

II.2. Agreement between the Government and MLC: remarks and observations

- The agreement was concluded between two components, in violation of the principles of consensus and inclusiveness;
- The agreement was reached outside of the plenary meeting and the committees of the Inter-Congolese Dialogue;
- Delegates to the Dialogues acceded to the agreement which was devised, drafted and signed in their absence. In fact, many of them signed it without having read it;
- It was drawn up and presented to third parties as a fait accompli of power-sharing between two people;
- The Facilitator, Mr. Ketumile Masire, was ignored in the process of drawing up and signing the agreement;
- The agreement jeopardizes the application of the 40 consensus resolutions adopted by the Dialogue;
- Because of its irregular nature, it cannot usher in a democratic era;
- It does not meet any of the above-mentioned objectives of the Inter-Congolese Dialogue and does not solve the grave political problems that confront the Democratic Republic of the Congo;
- It was unnecessary at the time of its signature, as the main demands of all the parties, particularly the Government and MLC, had already been taken into account by the very advanced negotiations based on the Mbeki II plan.

II.3. Proposals for the continuation of the Inter-Congolese Dialogue

A consensus emerged for Their Excellencies Presidents Thabo Mbeki and Levy Mwanawasa to continue with the mediation and to exert their influence so that:

- A Summit of the Heads of State and the Presidents of movements that were signatories to the Lusaka Agreement is held to investigate the threat that is hanging over the Agreement, particularly with regard to the Inter-Congolese Dialogue;
- SADC, the African Union, the European Union and the United Nations put pressure on the Government and MLC to return to the negotiating table;
- Optimum conditions are created for the real and urgent reopening of inter-Congolese political negotiations;
- The Lusaka Agreement remains the only political and legal framework for the continuation of the Inter-Congolese Dialogue;

- The neutral Facilitator, His Excellency Mr. Ketumile Q. Masire, is assisted, if necessary, by a new team;
- Foreign troops are withdrawn and armed groups are disarmed, in accordance with the Lusaka Agreement and the resolutions of the joint meeting of the Political Committee and the Security Council mission held in Luanda on 1 and 2 May 2002;
- The dialogue continues in a more reduced format, in accordance with the decision of the plenary meeting of 19 April 2002;
- The synthesis of the amendments to the Mbeki II plan presented by the Facilitator at the plenary meeting on 19 April 2002 constitutes the basic document for the resumption of the negotiations. According to this synthesis, the remaining differences of opinion concerned only two points out of seven;
- Any other proposal is added to the amendments in the synthesis;
- South Africa is requested to again offer its hospitality for the continuation of the Inter-Congolese Dialogue;
- A vast explanatory campaign is launched to inform the people of the Democratic Republic of the Congo, in order to avoid the disinformation that has been deliberately maintained. The same effort should be made with regard to the international community.

Done in Cape Town, South Africa, on 10 May 2002.

The Signatories:

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